

FILED

April 30, 2020

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

Clerk, U.S. District Court  
District of Montana  
Great Falls Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KALVIN JOSEPH GOBERT,

Defendant.

CR 15-75-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Calvin Joseph Gobert (Gobert) has been accused of violating the conditions of his supervised release. Gobert admitted all of the alleged violations. Gobert's supervised release should be revoked. Gobert should be placed in custody for 3 months, with 30 months of supervised release to follow. Gobert should serve up to the first 180 days of supervised release at a residential re-entry center, as directed by his probation officer.

**II. Status**

Gobert pleaded guilty to being on January 7, 2016, to being an Unlawful User of a Controlled Substance While Possessing a Firearm. (Doc. 32). The Court sentenced Gobert to 27 months of custody, followed by 3 years of

supervised release. (Doc. 41). Gobert's current term of supervised release began on May 10, 2019. (Doc. 58 at 1).

### **Petition**

The United States Probation Office filed a Petition on April 23, 2020, requesting that the Court revoke Gobert's supervised release. (Doc. 58). The Petition alleges that Gobert violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; and 2) by failing to report for sex offender treatment. (Doc. 58 at 2).

### **Initial appearance**

Gobert appeared before the undersigned for his initial appearance on April 29, 2020. Gobert was represented by counsel. Gobert stated that he had read the petition and that he understood the allegations. Gobert waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on April 29, 2020. Gobert admitted that he had violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; and 2) by failing to report for sex offender treatment. The violations are serious and warrant revocation of Gobert's

supervised release.

Gobert's violations are Grade C violations. Gobert's criminal history category is I. Gobert's underlying offense is a Class C felony. Gobert could be incarcerated for up to 24 months. Gobert could be ordered to remain on supervised release for up to 33 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

### **III. Analysis**

Gobert's supervised release should be revoked. Gobert should be incarcerated for 3 months, with 30 months of supervised release to follow. Gobert should serve up to the first 180 days of supervised release at a residential re-entry center, as directed by his probation officer. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Gobert that the above sentence would be recommended to United States District Judge Brian Morris. The Court also informed Gobert of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Gobert that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Gobert stated that he

wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Calvin Joseph Gobert violated the conditions of his supervised release by using methamphetamine on two separate occasions; and by failing to report for sex offender treatment.

The Court **RECOMMENDS:**

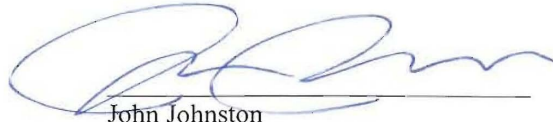
That the District Court revoke Gobert's supervised release and commit Gobert to the custody of the United States Bureau of Prisons for a term of 3 months, with 30 months of supervised release to follow. Gobert should serve up to the first 180 days of supervised release at a residential re-entry center, as directed by his probation officer.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may

waive the right to appear and allocute before a district court judge.

DATED this 30th day of April, 2020.

A handwritten signature in blue ink, appearing to read "John Johnston", is written over a horizontal line.

John Johnston  
United States Magistrate Judge